**UNITED STATES DISTRICT COURT**
**EASTERN DISTRICT OF NEW YORK**

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| S & L VITAMINS, INC.,<br><br>Plaintiff,<br><br>- vs. –<br><br>AUSTRALIAN GOLD, INC.,<br><br>Defendant. | CIVIL ACTION NO.<br><br>05-CV-1217 (JS) (MLO)<br><br><br><br>**MOTION FOR SUMMARY JUDGMENT** |
| AUSTRALIAN GOLD, INC.,<br><br>Third Party Plaintiff,<br><br>- vs. –<br><br>LARRY SAGARIN AND JOHN DOES 1-10,<br><br>Third Party Defendants. | |

Plaintiff S&L Vitamins, Inc. and third party defendant Larry Sagarin, pursuant to Rules56 of the Federal Rules of Civil Procedure, hereby move the Court to enter a summary judgment in favor of movants on all counts of defendant's Amended Counterclaim and third party complaint and granting a declaratory judgment pursuant to the plaintiff's demand in the Complaint.

Plaintiff and third Party Defendant submit the following documents in support of their motion

1. Proposed Order;
2. Memorandum of Law in Support of Motion;
3. Affirmation of Larry Sagarin;
4. Affirmation of Ronald D. Coleman, Esq., with the exhibits annexed thereto;
5. Statement Of Material Facts Regarding Which There Is No Genuine Dispute Pursuant To

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Local Rule 56.1 (previously filed); and

6. Supplemental Statement Of Material Facts About Which There Is No Dispute Pursuant To Rule 56.1.

By: ___/s/_________________
Ronald D. Coleman (RC 3875)

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S & L Vitamins, Inc. and
Third Party Defendant
Larry Sagarin

Dated: December 11, 2006